HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 30004645-2

Inventor(s): Lawrence Wilcock

Confirmation No.: 1499

Application No.: 09/977,500

Examiner: Barbara N. Burgess

Filing Date: October 16, 2001

Group Art Unit: 2457

Title: ASSOCIATING PARTIES WITH COMMUNICATION SESSIONS

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Transmitted herewith is/are the following in the above-identified application:

- ☐ Response/Amendment
- ☐ New fee as calculated below
- ☐ No additional fee
- ☒ Other Reply Brief (8 pgs.)
- ☐ Petition to extend time to respond
- ☐ Supplemental Declaration

Fee$

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY

(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X $52	$ 0
INDEP. CLAIMS		MINUS		= 0	X $210	$ 0
☐ FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ $370	$ 0
EXTENSION FEE	☐ 1st Month $120	☐ 2nd Month $460	☐ 3rd Month $1050	☐ 4th Month $1640		$ 0
					OTHER FEES	$
					TOTAL ADDITIONAL FEE FOR THIS AMENDMENT	$ 0

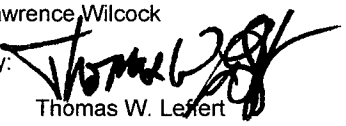
Charge $ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this document is being transmitted to the Patent and Trademark Office via eletronic filing.

Date of Transmission: December 18, 2008

Respectfully submitted,

Lawrence Wilcock

By: 

Thomas W. Lefert

Attorney/Agent for Applicant(s)

Reg No. : 40,697

Date : December 18, 2008

Telephone : 612-312-2200

First Named Inventor	Lawrence Wilcock	**REPLY BRIEF**
Serial No.	09/977,500	
Filing Date	October 16, 2001	
Group Art Unit	2457	
Examiner Name	Barbara N. Burgess	
Confirmation No.	1499	
Attorney Docket No.	30004645-2	
Title: ASSOCIATING PARTIES WITH COMMUNICATION SESSIONS		

REPLY BRIEF

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I. Introduction

An Examiner's Answer addressing Appellant's Appeal Brief was mailed on October 30, 2008.

II. Argument

A. Selecting by the Service System

The Examiner asserts, "Porter teaches an information site equipped to enable a chat session to be dynamically formed on-demand between all or a subset of users through which they chat with each other. The information site's chat session manager polls visiting users, informing them of an initiating user and his/her interest to chat. The visiting users are presented with descriptions of the initiating user as well as his/her interest. Interested visiting users (specific party) consenting to participate in such chat session are added (selected) to either an appropriate earlier formed chat session or a newly established one. Therefore, after responding with interest, these consenting users are selected to participate in a chat session (column 4, lines 51-67, column 5, lines 15-21, column 8, lines 24-50). Porter undoubtedly discloses selecting a specific party and associated endpoint system as claimed in claim 1." Examiner's Answer, page 12, section 10(a). Appellant contends that this assertion is inconsistent with "selecting" as that concept is used in Appellant's Specification and claims. *See,* U.S. Patent Application Publication 2002/0073150 A1, paragraph 0102 ("How the request is handled depends on the characteristics of the service 26 to which the request is directed, it being the service that controls what session is involved in the communication (including whether this is a new or an existing session) and what other participants are invited to join the selected session."). Appellant thus contends that the act of selecting must involve an act of control. As admitted by the Examiner, Porter polls visiting users for interest in a particular chat session, and only adds a visiting user to that chat session if they respond with interest. There is thus no level of control by the system of Porter on what party is chosen to participate in a chat session – Porter merely facilitates sessions between users who indicate a desired to chat together. As such, Appellant contends that Porter fails to disclose selecting by the service system, from a pool of available parties, a specific party and associated endpoint system to join a communications session as recited in claim 1.

The Examiner further asserts, "Grimm teaches a network match maker used to form matched sets of users by either automatically matching users into matched sets or

allowing users to create match offers that other users may browse and then choose to join until full matched sets are completed. Users create their own specific match offers to other users to match with including specific, required attributes that a user must possess in order to join. Other users may attempt to join a particular offer. However, the network match maker will compare the attributes of the user with that of the match offer. If they do not match, the match maker will prevent the user from joining. If they do match, the user (specific party) is allowed (selected) to join the match. Therefore, the network match maker selects specific users to join the match offer (column 3, lines 45-50, column 4, lines 15- 30, column 6, lines 51 -67, column 7, lines 1-1 5). Therefore, Grimm indeed discloses selecting a specific party and associated endpoint system as claimed in claim 1." Examiner's Answer, page 13, section 10(b). While Appellant acknowledges that the system of Grimm can compare request attributes to required attributes for determining whether a user can join a match offer, Grimm is not selecting a user to join a current communications session. In fact, Grimm expressly teaches that its sessions are not initiated until after users are matched. *See, e.g.,* Grimm, column 4, lines 25-31 ("As clients attempt to join the match offer, the match maker will also compare their attributes with those of the other clients to make sure that the user attributes are compatible before a client is allowed to join the match offer. Once enough clients have joined the match offer, the moderator can select to launch the application.") and column 7, lines 13-16 ("When a particular automatic match offer contains enough clients as required by the attributes, the match maker causes an instance of the application to be launched."). Appellant thus contends that Grimm also fails to disclose selecting by the service system, from a pool of available parties, a specific party and associated endpoint system to join a communications session as recited in claim 1.

Claim 1 recites, in part, "selecting by the service system, from a pool of available parties, a specific party and associated endpoint system to join the session selected or created in step (a)." As noted above, Porter cannot disclose this selection of a specific party as it exercises no control over what users are added to a chat session. In fact, Porter would be at odds with its intended purpose of facilitating chat sessions if it chose which users could participate. Appellant thus contends that Porter does not disclose selecting by the service system, from a pool of available parties, a specific party and associated

endpoint system to join a communications session as recited in claim 1. In addition, Grimm also cannot disclose selecting by the service system, from a pool of available parties, a specific party and associated endpoint system to join a current communications session because its sessions are not initiated until enough users have joined a match offer. That is, the communications sessions of Grimm are not initiated until after the users are chosen.

As such, Appellant contends that independent claim 1 is patentably distinct from the cited references. For similar reasoning, Appellant contends that claim 17 is also patentably distinct from the cited references as it contains corresponding elements. Appellant further contends that no other references are purported to cure the deficiencies as noted above, and Appellant contends that no cited reference can do so. Accordingly, Appellant contends that all pending claims are patentably distinct from the cited references, taken either alone or in combination.

B. Combination of Porter and Grimm

Even if the Examiner's assertion that the combination of Porter and Grimm teaches selecting by the service system, from a pool of available parties, a specific party and associated endpoint system to join a communications session as recited in Appellant's claims, which Appellant denies, Appellant contends that the combination of Porter and Grimm is improper and cannot be used in support of the rejections as presented. In particular, Porter seeks to provide an on-line chatting experience that is more closely related to users' real-world experiences, and not confined or constrained as the prior-art on-line chatting that Porter describes. *See, e.g.,* Porter, column 1, lines 37-57 ("While prior art on-line chatting have provided users with a new venue for communicating and interacting with other users, the above discussed and other characteristics are confining. In the real world, people strike up conversation and chat with each other as they shop at their favorite department or 'specialty' stores (video stores, music stores and so forth), or frequent their favorite establishments (coffee shops, restaurants, bars, art galleries, and so forth). While each store or establishment tends to draw patrons of particular demographics or interests, nevertheless, in each of these

situations, people talk or chat about whatever topics that interest them at the moment. There is no need to pre-register to get a user-ID, set up a password, fill out a profile, log into a chat room at a scheduled time, and out of courtesy, fundamentally constrain one's conversation to expressions substantially related to the theme of the particular chat room. Thus, a need exists to provide on-line users with enhanced chatting experience that is more closely related to their real world experience.").

If Porter were then modified as suggested by the Examiner to use a match maker system as described in Grimm, users would not be consenting to individual conversations, but would be thrust into a chat session if their criteria matched the match offer. Such a modification would clearly make the system of Porter unsuitable for its intended purpose of facilitating on-line chatting that more closely relates to real-world experiences. As such, Appellant contends that Porter cannot be modified as suggested by the Examiner. Therefore, each rejection is necessarily unsupported and must fail. Accordingly, Appellant contends that all pending claims are allowable.

III. Conclusion

Appellant contends that it has shown the cited references to be deficient and unable to teach or render obvious each element of Appellant's independent claims 1 and 17. Appellant further contends that it has shown the combination of the cited references in support of the rejections to be improper.

For at least the reasons discussed above, and for reasons as presented in Appellant's Appeal Brief, Appellant submits that the pending claims are patentable. Accordingly, Appellant requests that the Board of Appeals reverse the Examiner's decisions regarding claims 1-22 and 25-26.

Respectfully submitted,

Date: 18 DEC 08

Thomas W. Leffert

Reg. No. 40,697

Attorneys for Appellant
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 East Harmony Rd.
Fort Collins, CO 80527-2400